

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**HB 134 - SB 456**

March 6, 2015

**SUMMARY OF BILL:** Requires judges to make transdermal alcohol monitoring a condition of bail for vehicular assault, vehicular homicide, and aggravated vehicular homicide if the defendant has a prior alcohol-related conviction. The defendant shall pay for the cost of the monitoring.

**ESTIMATED FISCAL IMPACT:**

On February 21, 2015, a fiscal note was issued estimating the fiscal impact as follows:

*Increase Local Expenditures – \$70,600/Incarceration\*  
\$13,700/Monitoring*

*Increase Local Revenue – \$13,700*

Upon further review, this impact was in error. The estimated impact is:

**(CORRECTED)**

**Increase Local Expenditures – \$35,300/Incarceration\*  
\$20,600/Monitoring**

**Increase Local Revenue – \$20,600**

Assumptions:

- Statistics from the Department of Correction (DOC) show that vehicular assault, vehicular homicide, and aggravated vehicular homicide have averaged 77.5 admissions per year over the last 10 years.
- It is assumed that 10 percent (7.75) of the admissions have prior alcohol-related convictions and would be subject to the transdermal monitoring requirement.
- The bill does not provide for a finding of indigence. Therefore, any indigent defendant would remain in local custody until his/her trial.
- It is assumed that 25 percent ( $8 \times .25 = 2$ ) of those offenders subject to the transdermal monitoring would be indigent. The other 75 percent (6 offenders) would pay for the transdermal monitoring.

**HB 134 - SB 456 (CORRECTED)**

- It is assumed that each indigent offender would spend approximately 9 months (.75 years x 365.25 days = 273.94 days) in local custody awaiting trial. Housing pretrial defendants is the financial responsibility of local governments.
- The estimated 2015 cost per inmate per day for local jails is \$64.39.
- The bill will increase local incarceration costs by \$35,278 [(273.94 days x \$64.39) x 2 offenders].
- The other six offenders will qualify for transdermal monitoring and will be able to afford the cost of monitoring.
- Local governments would also have to contract with third parties for the transdermal monitoring devices and actual monitoring of the devices. According to information from the United States Department of Transportation and the Traffic Injury Research Foundation. There is usually an activation fee, a daily charge for monitoring the device, and a deactivation fee.
- The activation and deactivation fees are approximately \$75 each and daily monitoring costs are approximately \$12 per day. The bill will result in increased local expenditures of \$20,624 {6 offenders x [\$75 activation + \$75 deactivation + (\$12 monitoring x 273.94 days)]}.
- The bill requires the offenders to pay for the cost of the monitoring. The bill will result in an increase in local revenues of \$20,624 {6 offenders x [\$75 activation + \$75 deactivation + (\$12 monitoring x 273.94 days)]}.
- The bill does not impact the caseload of the Administrative Office of the Courts, the District Attorneys General Conference, or the District Public Defenders Conference.

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

/trm